

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JOJO DEOGRACIAS EJONGA,

Petitioner,

v.

JASON BENNETT,

Respondent.

CASE NO. 2:19-cv-01360-RAJ-SKV

ORDER ADOPTING REPORT  
AND RECOMMENDATION

Having reviewed *de novo* Petitioner's Amended Petition for Writ of Habeas Corpus (Dkt. # 19), Respondent's Answer to the Petition (Dkt. # 27), Petitioner's Response to Respondent's Answer (Dkt. # 31), Respondent's Reply to Petitioner's Response (Dkt. # 32), Petitioner's Second Response (Dkt. # 33), the Report and Recommendation of United States Magistrate Judge S. Kate Vaughan (Dkt. # 34), all objections thereto<sup>1</sup>, and the

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<sup>1</sup> Petitioner filed objections to Judge S. Kate Vaughan's Report and Recommendation. Dkt. # 37. The Court reviewed the objections and adopts the reasoning set forth in Respondent's Response. Dkt. # 38. The statute of limitations was tolled until December 22, 2017, when the Washington Court of Appeals issued a certificate of finality with respect to Petitioner's first personal restraint petition. The one-year statute of limitations began to run the following day. *See Corjasso v. Ayers*, 278 F.3d 874, 877 (9th Cir. 2002). Accordingly, the statute of limitations expired one year later on December 24, 2018, which was eight months before Petitioner filed his federal habeas Petition. The Court concurs with Judge Vaughan

1 Response to Petitioner's Objections (Dkt. # 38), the Court finds and **ORDERS** the  
2 following:

3 (1) The Report and Recommendation is **APPROVED** and **ADOPTED**. Dkt. #  
4 34.

5 (2) Petitioner's Amended Petition for Writ of Habeas Corpus (Dkt. # 19) and  
6 this action are **DISMISSED** as time-barred under 28 U.S.C. § 2244(d).

7 (3) In accordance with Rule 11 of the Rules Governing Section 2254 Cases in  
8 the United States District Court, a certificate of appealability is **DENIED**.

9 (4) The Clerk is directed to send copies of this Order to Petitioner, to counsel for  
10 Respondent, and to the Honorable S. Kate Vaughan.

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13 Dated this 11th day of June, 2025.

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16 The Honorable Richard A. Jones  
17 United States District Judge

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and Respondent that Petitioner does not make an adequate showing of equitable tolling. His Petition is thus  
untimely.